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Thomas R. Spadaro

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EXAMINER

MEHRA, INDER P

ART UNIT

PAPER NUMBER

2666

DATE MAILED: 01/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|---------------------------------------|--|
| Office Action Summary | Application No. 09/905,014 | Applicant(s) SPADARO ET AL. | |
| | Examiner Inder P. Mehra | Art Unit 2666 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 and 32-52 is/are rejected.
- 7) ☒ Claim(s) 31 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to Amendment dated 9/19/2005. Based on this amendment, claim 53 has been added new, claims 1-52 are pending.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Claims 1, 12, 26, 32 and 43 recite “voice over IP network”, “switching means”, “ Ethernet network interface”, which are not shown in drawings. Therefore, corrections must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. If WAN is VOIP network, it should indicate so. Refer to specification page 4 lines 21-22.

In the “Replacement Sheet”, “voice over IP Gateway 26”, and network 18 are shown separate from each other, whereas in specification, refer to page 2 of instant amendment (page 4 of specification), the network 18 includes a Voice over Internet Protocol (VOIP) Gateway 26. Appropriate clarification/correction is required.

3. The drawings are objected to under 37 CFR 1.83(a) because they fail to show VOIP network , refer to page 2 lines 20-21 and page 3 line 8 as described in the specification. “voice over IP Gateway 26” is not VOIP network . Network is cluster of devices/elements more than a gateway. Gateway is device/element itself. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d).

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Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-2, 4, 6-7, 12-17, and 26, are rejected under 35 U.S.C. 102(e) as being anticipated by **Kung et al** (US Patent Application No. 2003/0133558), hereinafter, Kung

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For claims 1, 6, 12, 17, 26, Kung discloses “a controlled public telephone communications system, (The IP central station may be configured to store various control and system information such as location, address, and/or configurations of one or more broadband residential gateways 300, as well as other routing and call set-up information, refer to paragraph 0038); comprising, :

- a plurality of telephones at a given site (These voice networks are referred to as a public switched telephone network (PSTN) or plain old telephone service (POTS), refer to paragraph 0003; Referring to FIG. 1, an exemplary embodiment of a broadband network 1. The broadband network generally provides interconnection between a plurality of customer locations utilizing various interconnection architectures including Internet Protocol (IP) based network, refer to paragraph 0026);
- a programmable control computer (programming messages and/or computer data between the various devices, refer to paragraphs 0036, 0037, 0055, for switching (paragraphs 0040,0044), accessing (paragraph 0006 and abstract), routing, (paragraph 0037, 40, 44, and 57), timing (paragraph 0044, 48 and 67), billing, (paragraph 35, 39 and 63), and the controlling usage of said telephones (figs. 2 and 3 and paragraphs 27 and 55), said telephones (106, 108, 110 and PSTN) being connected to said computer (200 in fig. 4);
- an off site public switched telephone network, **as recited by claims 6, and 17**, (160 in fig. 1, 2);

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- a Voice over Internet Protocol (VoIP) network (analog voice may be converted to digital data and packetized for transmission in an appropriate output protocol such as an Internet protocol (IP), refer to paragraph 0028); and
- switching means for selectively connecting said telephone instruments with said Voice over Internet Protocol network (analog voice may be converted to digital data and packetized for transmission in an appropriate output protocol such as an Internet protocol (IP), refer to paragraph 0028, 142, 144 and 120 in fig. 1));
- an Ethernet network interface at said site, **as recited by claim 12** (refer to paragraph 0068);
- a processor-based system coupled to said VoIP gateway and disposed remotely with thereto, said processor-based system providing call control for controlling communications between said plurality of telephone terminals and said user terminals external to said prison facility, (Alternatively, the user may use system memory in IP central (processor) and buffer data remotely, refer to paragraph 0093).

For claims 2, 4, 13, and 16, Kung discloses “2. (Original) The system recited in claim 1 wherein the programming for said control computer is distributed to remote locations over said Voce network (distributed processing controller 306 which may be a microprocessor and/or one or more interconnected distributed processing modules for controlling the broadband residential gateway 300, refer to paragraph 0081). Further, Kung discloses Ethernet connection , **as recited by claim 13**, (interface or port connection), refer to paragraph 0027.

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For claims 7 and 15, Kung discloses “wherein said off site switched telephone network is a Private Branch Exchange”(PBX 146 in fig. 1); and “a data exchange network interconnecting said sites over said Ethernet network”, **as recited by claim 15**, refer to PBX 146 in fig. 1 and paragraph 0027 for Ethernet LAN. .

For claim 14, Kung discloses “a plurality of said sites; said sites being interconnected over said Ethernet network, refer to LAN which is Ethernet based, refer to paragraph paragraph 0027.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kung et al** (US Patent Application No. 2003/0133558), hereinafter, Kung in view of **Cell Jr. (US Patent No. 6,876,647)**, hereinafter, **Cell**.

For claims 3 and 22, Kung discloses all the limitations of subject matter with the exception of the following limitation, which is disclosed by Cell, as follows:

- wherein said programmable control computer further comprises a Voœ gateway for servicing and control of Voœ communications (A machine readable storage, having stored thereon a computer program for streaming voice data, said computer program

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having a plurality of code sections executable by a machine for causing the machine to perform the steps of: establishing a plurality of voice call connections with a voice over IP (VoIP) gateway), refer to claim 17).

It would have been obvious to the person of ordinary skill in the art at the time the invention to use programmable control computer further comprising a Voice gateway for servicing and control of Voice communications. This capability can be implemented by combining VOIP gateway into IP central station. The motivation for using VOIP gateway in IP central station is to establish a voice call connection with a VoIP gateway; and receiving audio data from a network source.

8. Claims 4 and 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Kung et al** (US Patent Application No. 2003/0133558), hereinafter, Kung in view of **Vo et al (US Patent No. 6,795,444), hereinafter, Vo.**

For claims 4 and 5, Kung discloses all the limitations of subject matter, including the limitation, **as recited by claim 4, (see page 6 of office action).** Vo also discloses the limitations of claim 4, as follows:

- a plurality of said given sites (270 and 272); at least one programmable control computer (MCU 280) at each site; said sites being interconnected over said Voip network (108), **as recited by claim 4**, refer to fig. 2A.

Kung does not disclose explicitly the following limitations of claim 5, which are disclosed by VO, as follows:

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- a data exchange network interconnecting said sites, said telephone communications systems being integrated into said data exchange network, **as recited by claim 5**, (hubs/bridges 286A through 286D).

It would have been obvious to the person of ordinary skill in the art at the time the invention to use a plurality of said given sites (270 and 272); at least one programmable control computer (MCU 280) at each site; said sites being interconnected over said Voip network (108). This capability can be implemented by combining programmable computer in each station. The motivation for using VOIP is to establish a voice call connection with a VoIP gateway; and receiving audio data from a network source.

9. Claims 8 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kung et al** (US Patent Application No. 2003/0133558), hereinafter, Kung'558 in view of **Kung et al** (US Patent No. 6,816,469), hereinafter, Kung'469

For claims 8 and 18, Kung'558 discloses all the limitations of subject matter with the exception of the following limitation, which is disclosed by Kung'469, as follows:

- wherein said control computer includes: a third party call detect system (This may include providing a first call between a first party and a second party, receiving a first request from a third party to provide a call waiting call between the third party and the first party, refer to col. 2 lines 9-11.

It would have been obvious to the person of ordinary skill in the art at the time the invention to use a third party call detect system. This capability can be implemented by

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combining it in IP central station, as taught by Kung'558. The motivation for using VOIP is to establish a voice call connection and receiving audio data from a network source.

10. Claims 32-33, 36, 41-43, 47-48 and 52-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kung et al** (US Patent Application No. 2003/0133558), hereinafter, Kung'558

For claims ,32-33, 36, 41-43, 47-48 and 52-53, Kung discloses A call processing system for use in processing calls, (The IP central station may be configured to store various control and system information such as location, address, and/or configurations of one or more broadband residential gateways 300, as well as other routing and call set-up information, refer to paragraph 0038); said system comprising, :

- a plurality of telephone terminals (These voice networks are referred to as a public switched telephone network (PSTN) or plain old telephone service (POTS), refer to paragraph 0003; Referring to FIG. 1, an exemplary embodiment of a broadband network 1. The broadband network generally provides interconnection between a plurality of customer locations utilizing various interconnection architectures including Internet Protocol (IP) based network, refer to paragraph 0026);
- a voice over Internet protocol (VoIP) gateway coupled to said plurality of telephone terminals and disposed locally with respect thereto, said Voø gateway providing a digital data network interface providing digital communication of voice signals associated with one or more of said plurality of telephone terminals with user terminals, **as recited by claims 32 and 43,** (Refer to “gateway (BRG) 300.

Although the broadband residential gateway is preferably disposed in a residence for

many aspects of the invention, in exemplary embodiments, it may also be disposed in a **business or other location**, **see paragraph 0027**. “Broadband residential gateway 300 may be connected to the remainder of the broadband network 1 using any suitable mechanism such as a **gateway directly into an IP network**”, **see paragraph 0079**).

- a processor-based system coupled to said VoIP gateway and disposed remotely with thereto, said processor-based system providing call control for controlling communications between said plurality of telephone terminals and said user terminals, **as recited by claim 32**, (Alternatively, the user may use system memory in IP central (processor) and buffer data remotely, refer to paragraph 0093).
- a programmable control computer (programming messages and/or computer data between the various devices, **as recited by claim 41 also**, refer to paragraphs 0036, 0037, 0055, for switching (paragraphs 0040,0044), accessing (paragraph 0006 and abstract), routing, **as recited by claims 33 and 48 also**, (paragraph 0037, 40, 44, and 57), timing (paragraph 0044, 48 and 67), billing, **as recited by claims 36 and 47**, (paragraph 35, 39 and 63), and the control of said telephones (figs. 2 and 3 and paragraphs 27 and 55), said telephones (106, 108, 110 and PSTN) being connected to said computer (200 in fig. 4);
- terminals ---via public switched telephone network, **as recited by claim 42 also**, (160 in fig. 1, 2);
- wherein said centralized system provides call monitoring with respect to said call, **as recited by claim 52**, (refer to Kung’s reference: “The BRG 300 monitors whether

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the subscriber wants to connect to an incoming call or a call waiting on the queue at Step S750.

- **as recited by claim 53**, wherein said call processing system is a prison telephone system (refer to Kung, “Although the broadband residential gateway is preferably disposed in a residence for many aspects of the invention, in exemplary embodiments, it may also be disposed in a **business or other location**”, see **paragraph 0027**).

Kung does not disclose “prison facility” explicitly, but emphasizes “any location” (refer to “Although the broadband residential gateway is preferably disposed in a residence for many aspects of the invention, in exemplary embodiments, it may also be disposed in a **business or other location**”, see **paragraph 0027**).

11. Claims 9, 21, 35 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kung et al** (US Patent Application No. 2003/0133558), hereinafter, Kung’558 in view of **Kung et al** (US Patent No. 6,687,360), hereinafter, Kung’360.

For claims 9, 21, 35 and 49, Kung’558 discloses all the limitations of subject matter with the exception of the following limitation, which is disclosed by Kung’360, as follows:

- wherein said control computer includes: a system responsive to personal identification numbers (PIN keyed into said telephones for authorizing stored permitted telephone usage associated with individual PIN numbers (the subscriber dials a toll-free number for location registration using either a PIN or some other personal information that uniquely identifies the subscriber, refer to col. 29 lines 45-60.

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It would have been obvious to the person of ordinary skill in the art at the time the invention to use the capability of a system responsive to personal identification numbers (PIN keyed into said telephones. This capability can be implemented by combining it in IP central station, as taught by Kung'558. The motivation for using VOIP is to identify the caller and establish a voice call connection and receiving audio data from a network source.

12. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kung et al** (US Patent Application No. 2003/0133558), hereinafter, Kung'558, and **Cell Jr. (US Patent No. 6,876,647), hereinafter, Cell**, and further, in view of **Pandharipande** (US Patent No. 6,529, 500), hereinafter, '500.

For claims 10 and 11, Kung'558 and Cell discloses all the limitations of subject matter with the exception of the following limitation, which is disclosed by '500, as follows:

- wherein said gateway is an internal gateway, **as recited by claim 10**; wherein said gateway is an external gateway shared with other Voice devices outside of said control computer, **as recited by claim 11**, refer to col. 4 line 48 through col. 5 line 8.

It would have been obvious to the person of ordinary skill in the art at the time the invention to use the capability of a gateway having internal and external interface with other devices. This capability can be implemented by combining it in IP central station, as taught by Kung'558. The motivation for using VOIP is to establish a voice call connection and receiving audio data from a network source.

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13. Claims 23, 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kung et al** (US Patent Application No. 2003/0133558), hereinafter, **Kung** and **Cell Jr. (US Patent No. 6,876,647), hereinafter, Cell**, further, in view of, **Weitz** (US Patent No. 6,445,682) .

For claims 23, 27-29, Kung558 and Cell disclose all the limitations of subject matter with the exception of the following limitation, which is disclosed by Weitz, as follows:

- wherein said VOIP gateway includes voice compression and packetization, **as recited by claims 23, and 27**, refer to col. 44 line 45 through col. 45 line 15.
- wherein a second VOIP gateway includes decompression and depacketization, **as recited by claim 28**, refer to col. 44 line 45 through col. 45 line 15.
- VOIP gateway includes an Ethernet network interface, **as recited by claim 29**, refer to col. 44 line 45 through col. 45 line 15

It would have been obvious to the person of ordinary skill in the art at the time the invention to use the capability of packetization . This capability can be implemented by combining into IP central station. The motivation for using packetization is to establish a voice call connection with a VoIP gateway; and receiving audio data from a network source.

14. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Kung et al**, hereinafter, **Kung**, **Cell Jr., hereinafter, Cell**, and **Weitz**, further, in view of **Pogossiants et al** (US Patent Application No. 2001/0028649), hereinafter, '649.

For claim 30, Kung558, Cell and Weitz disclose all the limitations of subject matter with the exception of the following limitation, which is disclosed by '649, as follows:

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- a third party call detection system; and a public switched telephone network, said third party call detection system being between said second VOIP gateway and said public switched telephone network, refer to fig. 6, paragraphs 0025 and 0090).

It would have been obvious to the person of ordinary skill in the art at the time the invention to use the capability of a third party call detection system; and a public switched telephone network, said third party call detection system being between said second VOIP gateway and said public switched telephone network. This capability can be implemented by combining it into IP central station. The motivation for using packetization is to establish a voice call connection with a VoIP gateway; and receiving audio data from a network source.

15. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Kung et al** (US Patent Application No. 2003/0133558), hereinafter, Kung'558, and **Kung et al** (US Patent No. 6,816,469), hereinafter, Kung'469, further, in view of **Minert et al** (US Patent Application No. 2002/0141386), hereinafter, Minert.

For claim 19, Kung'558 and Kung'469 disclose all the limitations of subject matter with the exception of the following limitation, which is disclosed by Minert, as follows:

- wherein said VOIP gateway is disposed between said telephone and said VOIP network; and a second VOIP gateway between said VOIP network and said offsite public switched telephone network, refer to fig. 2 and paragraph 0039.

It would have been obvious to the person of ordinary skill in the art at the time the invention to use capability of VOIP gateway is disposed between said telephone and said VOIP network; and a second VOIP gateway between said VOIP network and said offsite public

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switched telephone network This capability can be implemented by combining it in IP central station, as taught by Kung'558. The motivation for using VOIP is to establish a VOIP telephoning calling.

16. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Kung et al**, hereinafter, Kung'558 , and **Kung et al**, hereinafter, Kung'469, further, in view of **Minert et al**, hereinafter, Minert and **Pogossiants et al** (US Patent Application No. 2001/0028649), hereinafter, '649.

For claim 20, Kung'558, Kung'469, '649 disclose all the limitations of subject matter with the exception of the following limitation, which is disclosed by '649, as follows:

- wherein said third party call detection is performed between said second VOIP gateway (PBX telephony switch, refer to paragraph 0025) and said public switched telephone network 617, refer to fig. 6, paragraphs 0025 and 0090).

It would have been obvious to the person of ordinary skill in the art at the time the invention to use capability of third party call detection. This capability can be implemented by combining it in IP central station, as taught by Kung'558. The motivation for using VOIP is to establish a VOIP telephone calling.

17. Claims 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kung et al**, hereinafter, Kung'558 , **Kung et al**, hereinafter, Kung'469, and **Minert et al**, hereinafter, Minert and further, in view of **Weitz** (US Patent No. 6,445,682) .

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For claims 24 and 25, Kung'558, Kung'469 and Minert disclose all the limitations of subject matter with the exception of the following limitation, which is disclosed by Weitz, as follows:

- wherein said second Voce gateway includes decompression and depacketization, refer to col. 44 line 45 through col. 45 line 15.
- wherein said VOIP gateway includes an Ethernet network interface, refer to col. 44 line 45 through col. 45 line 15.

It would have been obvious to the person of ordinary skill in the art at the time the invention to use capability of Voce gateway includes decompression and depacketization and VOIP gateway includes an Ethernet network interface. This capability can be implemented by combining it in IP central station, as taught by Kung'558. The motivation for using VOIP is to establish a VOIP telephoning calling.

18. Claims 34, 37, 39, 44-45 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kung et al**, hereinafter, Kung'558, over **Gainsboro** (US Patent No. 6,611,583).

For claims 34, 37, 39, 44-45 and 50, Kung'558 discloses all the limitations of subject matter with the exception of the following limitation, which are disclosed by Gainsboro, as follows:

- wherein said call control provided by said processor-based system comprises telephone usage restriction checking, **as recited by claim 34**, (refer to col. 7 lines 17-42).

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- wherein said call control provided by said processor-based system comprises call monitoring, **as recited by claim 37**, (refer to col. 7 lines 17-42.
- wherein said call fraud detection comprises three-way call detection, **as recited by claims 39, 44-45, and 50**, (refer to col. 6 line 53-col. 7 line 15. .

It would have been obvious to the person of ordinary skill in the art at the time the invention to use capability of call control provided by said processor-based system comprises telephone usage restriction checking, monitoring and three way call detection. This capability can be implemented by combining it in IP central station, as taught by Kung'558. The motivation for using VOIP is to establish a VOIP telephoning calling.

19. Claims 38-39 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kung et al**, hereinafter, Kung'558 , in view of **Peel et al** (US Patent No. 5,907,602).

For claims 38, 39 and 51, Kung'558 discloses all the limitations of subject matter with the exception of the following limitation, which are disclosed by Peel , as follows:

- wherein said call control provided by said processor-based system comprises call fraud detection, **as recited by claim 38**, refer to col. 33 lines 14 –24.
- wherein said call fraud detection comprises three-way call detection **as recited by claim 39 and 51**, refer to col. 33 lines 14 –24.

It would have been obvious to the person of ordinary skill in the art at the time the invention to use capability of call control provided by said processor-based system comprises call fraud detection, . This capability can be implemented by combining it in IP central station,

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as taught by Kung'558. The motivation for using VOIP is to establish a VOIP telephoning calling.

20. Claims 40 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kung et al**, hereinafter, Kung'558 , in view of **Ziegler et al** (US Patent Application No.2003/0023714), hereinafter, Zeigler.

For claims 40 and 46, Kung'558 discloses all the limitations of subject matter with the exception of the following limitation, which are disclosed by Zeigler, as follows:

- wherein said processor-based system provides real time call recording, refer to paragraph 0013.

It would have been obvious to the person of ordinary skill in the art at the time the invention to use capability of processor-based system provides real time call recording. This capability can be implemented by combining it in IP central station, as taught by Kung'558. The motivation for using VOIP is to establish a VOIP telephoning calling.

Allowable Subject Matter

21. Claims 31 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

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22. Applicant's arguments filed 9/19/2005 have been fully considered but they are not persuasive.

Applicant argues, "Independent claim 1, as amended, recites: "a programmable control computer for . . .controlling usage of said telephones." Similarly independent claim 12 recites a programmable control system for performing the functions of . . . controlling use of said telephones." Claim 26, as amended, recites: CCA control computer ...comprising: programmable means for controlling usage of said telephones." Kung '558 does not disclose at least these limitations.

Further, applicant argues, "Nothing Kung *558 teaches controlling usage, or use, of telephones such as employed in the claimed controlled public telephone communications system.

In response, it is stated that Kung '558 discloses "Each server in the IP central station 200, which may be variously configured (programmable) to include one or more servers, refer to paragraph 0038, may include computer(s), refer to paragraph 0044. The IP central station may be configured to store various control and system information, refer to paragraph 0038". Kung, further, discloses, "interfacing the IP central station 200 to, for example, the Internet 180, public switched telephone network (PSTN) 160, refer to paragraph 0037.

Applicant argues, "Thus, the distributed processing controller 306 of broadband residential gateway 300 Kung '558, does not teach programming distributed to remote locations over a VOIP network".

In response, it is stated that Kung discloses, "Thus, one or more individuals disposed at either local and/or remote locations with diverse types of equipment may communicate as an

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intercom group without the need to communicate via normal dialing procedures, refer to paragraph 0086”.

Applicant argue, claim 32 recites the processor-based system . . . providing call control for controlling communications between said plurality of telephone terminals and said user terminals external to said prison facility." Similarly, as noted above, claim 43 recites: centralized system providing call control functions to a prison telephone system." Kung 358 does not disclose these limitations either.

Kung does not disclose “prison facility” explicitly, but emphasizes “any location” (refer to “Although the broadband residential gateway is preferably disposed in a residence for many aspects of the invention, in exemplary embodiments, it may also be disposed in a **business or other location**”, see paragraph 0027).

In response, it is stated that Kung discloses A call processing system for use in processing calls, (The IP central station may be configured to store various control and system information such as location, address, and/or configurations of one or more broadband residential gateways 300, as well as other routing and call set-up information, refer to paragraph 0038);

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge

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generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).


In light of above explanation, arguments by applicant are not persuasive.

Conclusion

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Inder P. Mehra whose telephone number is 571-272-3170. The examiner can normally be reached on Monday through Friday from 8AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Inder P Mehra 1/5/06
Examiner
Art Unit 2666



DANG TON
PRIMARY EXAMINER